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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,127	10/31/2003	Joan M. Zanghi	86861RLW	3702
7590	09/20/2005		EXAMINER	
Thomas H. Close Patent Legal Staff Eastman Kodak Company 343 State Street Rochester, NY 14650-2201			NGUYEN, MADELEINE ANH VINH	
			ART UNIT	PAPER NUMBER
			2626	
DATE MAILED: 09/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/700,127	ZANGHI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Madeleine AV Nguyen	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 10 March 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) 16-20 is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-15 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 31 October 2003 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11312003

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Election/Restrictions***

1. Applicant's election without traverse of group I (claims 1-15) in the reply filed on March 10, 2005 is acknowledged.

Claims 16-20 are canceled.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5-12, 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Schwartz et al (US Patent No. 5,999,703).

Concerning claim 1, Schwartz et al discloses a method comprising generating dynamic control values (parameters entered from a control panel in Fig.2) from dynamically selected colors using an existing characterization for a device (base profile 1 in Fig.1); (S4-S14, Fig.1; col. 3, line 54 – col. 4, line 11); and producing a characterization target for the device (new profile 7 in Fig.1) having color regions corresponding to the dynamic control values (S16, Fig.1; col. 4., lines 11-21; col. 6, line 1 – col. 7, line 2).

Concerning claims 2-3, 5-8, Schwartz et al further teaches the steps of combining predetermined fixed control values for the device with the dynamic control values and producing

the characterization target from the dynamic control values and the predetermined fixed control values (S8-S14, Fig. 1; col. 4, line 49 – col. 5, line 67), (claim 2); providing dynamic colorimetric values for the dynamically selected colors, and determining the dynamic control values for the colorimetric colors using the existing characterization (col. 4, lines 11-65), (claim 3); providing the color regions in a topology having one of verification and device behavior characteristics (col. 4, line 64 – col. 5, line 22), (claim 5); the existing output device characterization is an ICC profile (col. 3, lines 54-56), (claim 6); the existing output device characterization is a characterization for a similar device or for a group of similar devices to which the device belongs (col. 3, lines 56-61), (claims 7-8).

Concerning claim 9, Schwartz et al discloses a method (Fig.1) as discussed in claim 1 and further comprising the steps of choosing a set of important colors (S6); obtaining a set of colorimetric values corresponding to the important colors (S8); generating a set of dynamic control values by converting the colorimetric values to the device control values using the existing characterization (S4-S14, Fig.1; col. 3, line 60 – col. 3, line 64).

Concerning claims 11-12, Schwartz et al further teaches that the characterization target contains patches corresponding to a set of fixed control values (col. 4, lines 22-43), (claim 11); producing predetermined sample control values for the device that uniformly sample a device color space (col. 4, line 49 – col. 5, line 5), generating dynamic control values from dynamically selected colors using an existing characterization for a device (S10-S14), combining the predetermined control values for the device with the dynamic control values (S16), and producing a characterization target for the device having color regions corresponding to the

dynamic control values and the predetermined control values (new profile 7, Fig.1), (col. 3, line 60 – col. 4, line 21), (claim 12).

Concerning claims 14, Schwartz et al discloses an apparatus comprising a source for a characterization for a device (1, Fig1); a computer obtaining predetermined fixed uniform sample control values for the device (S6, Fig.1; col. 3, lines 54-67; col. 4, lines 22-43), producing dynamic control values from dynamically selected colors using an existing characterization for a device (base profile 1 in Fig.1); (S4-S14, Fig.1; col. 3, line 54 – col. 4, line 11); and producing a characterization target for the device (new profile 7 in Fig.1) having color regions corresponding to the dynamic control values and the predetermined fixed uniform sample control values (S16, Fig.1; col. 4., lines 11-21; col. 6, line 1 – col. 7, line 2).

Concerning claim 15, Schwartz et al discloses a computer readable storage controlling a computer by performing the steps discussed in claim 14 above (col. 3, lines 46-53).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz et al (US Patent No. 5,999,703).

Concerning claim 4, Schwartz et al further teaches the steps of determining relative colorimetric values from the dynamic colorimetric values using a set of neutral colors going from

white to black, and determining the dynamic control values for the relative colorimetric values using a profile transform of the existing characterization (col. 4, lines 49-64).

Schwartz et al does not directly teach the use of a white point of the existing characterization for determining relative colorimetric values. However, Schwartz et al teaches the use of a set of neutral colors going from white to black. The set also includes the white point since one of the neutral colors is white. It would have been obvious to one skilled in the art at the time the invention was made to consider Schwartz et al indirectly teaches the step of determining relative colorimetric values using a white point of the existing characterization since the set of neutral colors is defined on the neutral axis which is the line in color space where colors are neutral ranging from white to black colors (col. 4, lines 56-61).

Concerning claim 13, Schwartz et al discloses a method as discussed in claims 5, 9 and 12 above. Schwartz et al further teaches the steps of determining relative colorimetric values from the dynamic colorimetric values using a set of neutral colors going from white to black, and determining the dynamic control values for the relative colorimetric values using a profile transform of the existing characterization (col. 4, lines 49-64).

Schwartz et al does not directly teach the use of a white point of the existing characterization for determining relative colorimetric values. However, Schwartz et al teaches the use of a set of neutral colors going from white to black. The set also includes the white point since one of the neutral colors is white. It would have been obvious to one skilled in the art at the time the invention was made to consider Schwartz et al indirectly teaches the step of determining relative colorimetric values using a white point of the existing characterization since

the set of neutral colors is defined on the neutral axis which is the line in color space where colors are neutral ranging from white to black colors (col. 4, lines 56-61).

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Murakami (US 2004/0001208) discloses a method of reproducing colors in a recorded material wherein a profile creation tool is sent from a printing side to a customer, and a profile of a device for forming the image at the customer is created by using the profile creation tool.

b. Edge et al (US 2004/0119993) discloses a color profiling using gray backing material.

c. Adam et al (US 2004/0130739) teaches a scanner and printer profiling system where highly accurate device independent printer profiles are generated.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 571 272-7466. The examiner can normally be reached on Monday, Tuesday, Thursday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on 571 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Anh Vanh Nguyen  
September 15, 2005

Madeleine AV Nguyen  
Primary Examiner  
Art Unit 2626